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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,087	01/08/2001	Paul D. Atkinson	HDMNET.002A	7105

7590 03/14/2005  
Mr. Paul D. Atkinson  
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Carlsbad, CA 92008

EXAMINER
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SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/14/2005

**RECEIVED**

**MAR 24 2005**

**Technology Center 2600**

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/757,087

**Applicant(s)**

ATKINSON, PAUL D.

**Examiner**

Dominic D Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/24/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-12, 14-20, 22-24, 27-29, 30-49 and 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney et al. (6,408,278) [Carney] in view of Ferris et al. (WO 99/04568) [Ferris].

Regarding claims 1 and 24, Carney discloses a system for synchronizing delivery of a plurality of media elements to users in a public space (col. 2, lines 50-65), the system comprising:

A replenishment interface module (the input module to server 20 in fig. 1) configured to receive media elements (content is uploaded to the server for dissemination, col. 3, lines 55-67);

A logic controller module (the CPU of the aforementioned server);

And output interface module (output module of server 20 in fig. 1) controlling a plurality of transmitters proximate to the public space (client computers 25 shown in fig. 2) and configured to output different media elements via different ones of the plurality of transmitters in accordance with instruction from the logic controller (col. 5, lines 30-42);

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A storage module (database 18 in fig. 2) configured to store local content specific to the public space (col. 5, lines 57-65);

wherein the logic controller module is configured to select which received media elements to output (col. 5, lines 30-42) and direct the programming media element to be transmitted via first one of the transmitters of the output interface module (client 25 in fig. 2) directly to a programming output device (display device 14 in fig. 2) in the public space (col. 5, lines 15-56) during a first display time period.

Furthermore, Carney also teaches the use of personal communication and other hand held user devices for allowing users to interact with the system (col. 7, lines 3-17).

Carney fails to disclose a play list module configured to provide information pertaining to available media elements to be output in the public space and the storage module stores metadata associated with but distinct from specific programming media elements, wherein metadata related to a programming media element is directed via a second one of the transmitters of the output interface module directly to a metadata receiving device in the public space during a second output period and the logic controller module controls a variable temporal relationship between the first output period and the second output period.

In an analogous art, Ferris teaches an interactive video system (page 6, 4<sup>th</sup> paragraph and page 23, 2<sup>nd</sup> paragraph) wherein a playlist module is included

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which provides information pertaining to available media elements to be output (page 11, 2<sup>nd</sup> paragraph) which provides coordination information between media elements and associated data, and further includes storing metadata (program associated data, or PAD, stored in PAD database 408 in fig. 3) which is associated with but distinct from specific programming media elements (page 23, 2<sup>nd</sup> paragraph), wherein metadata related to a programming media element is directed via a transmitter different from the transmitter used to send the programming media element (radio service provider 414 in fig. 3, page 12, 3<sup>rd</sup> paragraph) directly to a metadata receiving device (receiver 417 in fig. 3, page 13, 1<sup>st</sup> paragraph) during an output period which is in a variable temporal relationship with the output period of the programming media elements (the PAD messages are sent in relation to the programming items they are associated with, page 12, 3<sup>rd</sup> paragraph, said transmissions are variable as they are subject to dynamic changes in the scheduling of PADs and the dynamic reuse of PAD messages [the same message may not have to be sent twice if it is to be reused, as then a special control message may be sent instead], paragraph 12, 1<sup>st</sup> paragraph), providing desirable, dynamic interactive opportunities to viewers of the programming media items, (figs. 2A-G, fig. 2I, fig. 4, pages 23-24, and page 26 last paragraph – page 27 1<sup>st</sup> paragraph).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Carney to include a play list module configured to provide information pertaining to available media elements to be

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output and the storage module stores metadata associated with but distinct from specific programming media elements, wherein metadata related to a programming media element is directed via a second one of the transmitters of the output interface module directly to a metadata receiving device during a second output period and the logic controller module controls a variable temporal relationship between the first output period and the second output period, as taught by Ferris, for the benefit of providing desirable, dynamic interactive opportunities to viewers of the programming media items, such as purchasing opportunities and the ability to retrieve additional information.

Regarding claims 30 and 38, Carney discloses a method of delivery in a public space of programming media elements (col. 2, lines 50-65) comprising receiving a programming media element (content that is delivered to the server, col. 3, lines 55-67) and conveying the programming media element substantially throughout a programming media element conveyance time period to a first output device in the public space via a first signal path (col. 5, lines 30-42).

Carney fails to disclose synchronizing the delivery with related metadata such that the method includes obtaining local content related to the public space and providing the local content to a second device in the public space during a data provisioning time period related to the media conveyance time period.

In an analogous art, Ferris teaches an interactive video system which synchronizes programming media elements with metadata (page 6, 4<sup>th</sup>

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paragraph and page 23, 2<sup>nd</sup> paragraph) wherein local content related to a particular area (local advertisements) is received (page 11, 2<sup>nd</sup> paragraph, wherein a third party provides the program associated data [PAD] for the purpose of providing local advertising) and wherein the local content is provided to a second device (receiver 417 in fig. 3) during a data provisioning time period related to the media conveyance time period (page 11 last paragraph – page 12 first paragraph), providing desirable, dynamic interactive opportunities to viewers of the programming media items, (figs. 2A-G, fig. 2I, fig. 4, pages 23-24, and page 26 last paragraph – page 27 1<sup>st</sup> paragraph).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carney to include synchronizing the delivery with related metadata such that the method includes obtaining local content related to the place in which the media items are being displayed and providing the local content to a second device in the area during a data provisioning time period related to the media conveyance time period, as taught by Ferris, for the benefit of providing desirable, dynamic interactive opportunities to viewers of the programming media items, such as purchasing opportunities and the ability to retrieve additional information regarding the local advertisements.

Regarding claim 4, Carney and Ferris disclose the system of claim 1, wherein the replenishment interface module receives media elements via the Internet (Carney, col. 3, lines 5-20 and col. 8, lines 47-50).

Regarding claim 5, Carney and Ferris disclose the system of claim 1, wherein the replenishment interface module receives media elements via physical storage media (Carney teaches clients may upload content to the server, col. 3, lines 55-67, wherein said uploading is done by reading the content from a physical storage media and transmitting it to the server).

Regarding claim 6, Carney and Ferris disclose the system of claim 1, wherein the output interface module is configured to convey the selected programming media element to an output device via a second signal path (signal path between server 20 and display device 14 as shown in fig. 2 of Carney) and to transmit the synchronized local content (the PADs taught by Ferris) via the second transmitter transmitting over a first signal path separate from the second signal path (Ferris teaches using a separate wireless transmission means to transmit the PAD messages, fig. 3, provider 414).

Regarding claim 7, Carney and Ferris disclose the system of claim 1, wherein the second transmitter transmits to personal communication devices of



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users in the public space (Carney teaches using cell phones as secondary devices for interacting with the system, col. 7, lines 3-11).

Regarding claim 8, Carney and Ferris disclose the system of claim 7, wherein the second transmitter transmits wirelessly (Ferris teaches using RF broadcasting of the PAD messages, fig. 3).

Regarding claims 9 and 10, Carney and Ferris disclose the system of claim 1, but fail to disclose the second transmitter transmits via a wireless LAN.

Examiner takes official notice that it is notoriously well known in the art to utilize wireless LAN's to distribute information, such as utilizing bluetooth technology or the 802.11b standard, as such networks offer users freedom to move about while still enjoying connectivity to the network, said network being locally specific and thus enjoys less contention for bandwidth with larger wide area networks, such as national broadcast airwaves.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Carney and Ferris to transmit via a wireless LAN, for the benefit of utilizing a flexible, convenient, and locally specific means for distributing the metadata.

Regarding claim 11, Carney and Ferris disclose the system of claim 1, but fail to disclose the second transmitter transmits at frequencies over 50 GHz.

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Examiner takes official notice that it is notoriously well known in the art to transmit data at frequencies over 50 GHz, such as utilizing satellite transponders to enable satellite transmission of data, wherein satellite transmissions enable signals to be broadcast anywhere in the world.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Carney and Ferris to transmit at frequencies over 50 GHz, for the benefit of utilizing satellite communications technology which allows signals to be transmitted anywhere in the world.

Regarding claim 12, Carney and Ferris disclose the system of claim 1, but fail to disclose the second transmitter transmits via infrared electromagnetic waves (IR).

Examiner takes official notice that it is notoriously well known in the art to transmit data via IR, as infrared transmissions are highly reliable and high speed.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Carney and Ferris to include transmitting the metadata via IR, for the benefit of utilizing a highly reliable and high speed means of data transmission.

Regarding claim 14, Carney and Ferris disclose the system of claim 1, wherein a transient state interface module (Carney, fig. 2, database 18'a) is configured to obtain transient state variable data relevant to the public space

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(Carney, col. 5, lines 57-65), wherein the metadata and the media element are both selected for output based upon the transient state variable data relevant to the public space (Carney, col. 5, lines 57-65).

Regarding claims 15-18, Carney and Ferris disclose the system of claim 1, wherein the replenishment interface module receives local content, metadata, and programming media elements via the Internet, wireless broadcast, or a cable TV network (Carney teaches the network used for all communication and interconnections of the system is done over the Internet, using cable or fiber optic lines, or any wireless network, col. 3, lines 5-20).

Regarding claim 19, Carney and Ferris disclose the system of claim 1, including a local input module proximate to the public space and configured to accept local content inputs (Carney teaches users provide feedback at the public spaces, col. 7, lines 2-11).

Regarding claim 20, Carney and Ferris disclose the system of claim 16, wherein the replenishment interface module receives local content, metadata, and programming media elements from both local and remote sources (local content, such as demographic data, is received from users, Carney, col. 7, lines 2-11, metadata is provided remotely, Ferris, page 11, 2<sup>nd</sup> paragraph, and

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programming elements are received from both local and remote sources, Carney, col. 3, lines 55-67 and col. 8, lines 47-53).

Regarding claim 22, Carney and Ferris disclose the system of claim 16, wherein the transient state variable data relevant to the public space, which partly determines the selected media element, includes data reflecting user activity in the public space (Carney, col. 5 line 57 – col. 6 line 11, wherein the demographic data is a direct result of user activity in the public space, col. 7, lines 2-11).

Regarding claim 23, Carney and Ferris disclose the system of claim 16, wherein the transient state variable data relevant to the public space, which partly determines the selected media element, includes data provided by a system processing sales or inventory data (Carney, col. 7 line 20 – col. 8 line 46).

Regarding claims 27 and 28, Carney and Ferris disclose the method of claim 24, wherein the data provisioning time period begins before the programming conveyance time period begins and continues after the programming conveyance time period ends (Ferris teaches PAD messages are broadcast continually for storage in the user device, page 18, 3<sup>rd</sup> paragraph).

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Regarding claim 29, Carney and Ferris disclose the method of claim 24, wherein the second device is a bi-directional communication device (Carney teaches user devices are cell phones or PDAs, col. 7, lines 2-11) controlled by a user who does not control the first output device (Carney teaches the first output devices are under control of the main server, col. 5, lines 30-42).

Regarding claim 31, Carney and Ferris disclose the method of claim 30, wherein the first output device is a passive output device (Carney, col. 5, lines 15-29).

Regarding claim 32, Carney and Ferris disclose the method of claim 30, including obtaining metadata related to the programming media element and providing the metadata to the second device during the data provisioning time period (Ferris also includes program guide data which describes programming content in the data that is provided to users, as shown in figs. 2E and 2F).

Regarding claim 33, Carney and Ferris disclose the method of claim 30, wherein the second device is a personal bi-directional communication device (Carney teaches user devices are cell phones or PDAs, col. 7, lines 2-11).

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Regarding claim 34, Carney and Ferris disclose the method of claim 30, wherein the data is provided to the second device by a wireless communication device (Ferris, fig. 3, radio service provider 414).

Regarding claims 35, 36, 44, and 45, Carney and Ferris disclose the method of claims 30 and 38, but fail to disclose the data provided to the second device is provided by wireless communication to a restricted area substantially limited to within 500 meters of the public space.

Examiner takes official notice that it is notoriously well known in the art to utilize wireless networking technologies for data dissemination with a range limited to within 500 meters of the wireless access point. Usually taking the form of low power transmissions, these wireless local area networks (LANs) provide the benefit of a dynamic and flexible means for transmitting data that does not interfere with other wireless communication signals and does not compete for bandwidth with larger scale broadcasts.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carney and Ferris to include providing the data to the second device through wireless communication that is restricted to an area substantially limited to 500 meters of the public space, for the benefit of utilizing a dynamic and flexible means for transmitting data that does not interfere with other wireless communication signals and does not compete for bandwidth with larger scale broadcasts, such as television or radio transmissions.

Regarding claims 37 and 46, Carney and Ferris disclose the method of claim 30, including receiving a response reflecting modification by a user of the provided data (Ferris teaches providing user feedback relating to the provided information, figs. 2D and 2G).

Regarding claim 39, Carney and Ferris disclose the method of claim 38, wherein the metadata and local content are provided by a second signal path different from the first signal path (as shown by Ferris in fig. 3, the first signal path is from 404 to 405, while the second signal path is from 414 to 417).

Regarding claim 40, Carney and Ferris disclose the method of claim 38, wherein the first output device is a passive output device (Carney, col. 5, lines 15-29).

Regarding claim 41, Carney and Ferris disclose the method of claim 38, wherein the metadata and local content are provided to an interactive device (Carney teaches using cell phones and PDAs as secondary devices for interacting with the system, col. 7, lines 3-11).

Regarding claim 42, Carney and Ferris disclose the method of claim 41, including receiving data supplied by the user from the interactive device (Carney

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teaches providing user feedback which provides demographic data, col. 7, lines 3-11).

Regarding claim 43, Carney and Ferris disclose the method of claim 38, wherein providing the metadata and local content is accomplished by broadcasting via a local wireless transmitter (Ferris, radio service provider 414).

Regarding claim 47, Carney and Ferris disclose the method of claim 38, wherein the local content, metadata, and programming media elements are transmitted to the system via the Internet (Carney teaches the network used for all communication and interconnections of the system is done over the Internet, col. 3, lines 5-20).

Regarding claim 48, Carney and Ferris disclose the method of claim 38, wherein the local content, metadata, and programming media elements are transmitted to the system via wireless broadcast (Carney teaches the network used for all communication and interconnections of the system is done over a wireless network, col. 3, lines 5-20).

Regarding claim 49, Carney and Ferris disclose the method of claim 38, including receiving, independent of user inputs, transient state variable data especially relevant to the public space (Carney teaches the selection of what



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collection of data is broadcast is also based upon non-demographic variables, such as the departure locations of flight terminals, col. 6, lines 20-34) and determining which programming media elements and metadata and local content are provided in the public space at least partly on the basis of the transient variable data (Carney, col. 6, lines 15-45).

Regarding claim 51, Carney and Ferris disclose the method of claim 49, wherein the transient state variable data includes data related to user actions in the public space (Carney teaches demographic data, used in selecting which data elements to transmit, is based upon user feedback, col. 5, lines 57-65 and col. 7, lines 3-11).

Regarding claims 52 and 53, Carney and Ferris disclose the method of claim 49, wherein the transient state variable data includes data provided by a system processing sales and inventory data for the public space (col. 7 line 20 – col. 8 line 46).

3. Claims 2, 3, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney and Ferris as applied to claims 1 and 53 above, and further in view of Lutterbach et al. (5,510,828) [Lutterbach].

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Regarding claims 2 and 3, Carney and Ferris disclose the system of claim 1, but fail to disclose the replenishment interface module receives media elements via satellite communications or a cable TV network.

In an analogous art, Lutterbach teaches a system for displaying programming media elements in a public space (col. 2 line 55 – col. 3 line 10) wherein media is received via satellite communications or a cable TV network (col. 3 line 66 - col. 4 line 17), providing diversity in the sources of programming available for display.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Carney and Ferris to include receiving media elements via satellite communications or a cable TV network, as taught by Lutterbach, for the benefit of providing diversity in the sources of programming available for display in the public space.

Regarding claim 54, Carney and Ferris disclose the method of claim 53, but fail to disclose modifying a media element partly in response to the transient state variable data.

In an analogous art, Lutterbach teaches overlaying media elements with additional interactive regions (fig. 5, and col. 5 line 55 – col. 6 line 7) in response to instructions from an interactive marketing system (col. 6, lines 1-7), providing the benefit of collecting user preference information in response to certain displayed elements.

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It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carney and Ferris to include modifying a media element partly in response to data received from a marketing system, as taught by Lutterbach, for the benefit of collecting user preference information in response to certain displayed programming media elements.

4. Claims 13, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney and Ferris as applied to claims 1 and 24 above, and further in view of Amin et al. (6,353,398) [Amin].

Regarding claim 13, Carney and Ferris disclose the system of claim 1, but fail to disclose the logic controller module is configured to direct the output interface module to also transmit local content via the second transmitter.

In an analogous art, Amin teaches transmitting local content to the personal devices of users in a particular area (col. 4, lines 29-50), providing the benefit of providing regionally relevant information to users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Carney and Ferris to include also transmitting local content, as taught by Amin, for the benefit of providing additional information that is particularly relevant to users who are in the public space.

Regarding claim 25, Carney and Ferris disclose the method of claim 24, but fail to disclose obtaining local content related to the public space, and providing the local content to the second devices.

In an analogous art, Amin teaches obtaining local content related to a particular area (col. 2, lines 53-60) and transmitting the local content to the personal devices of users in said particular area (col. 4, lines 29-50), providing the benefit of providing regionally relevant information to users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carney and Ferris to include obtaining local content related to the public space, and providing the local content to the second devices, as taught by Amin, for the benefit of providing additional information that is particularly relevant to users who are in the public space.

Regarding claim 26, Carney and Ferris disclose the method of claim 24, but fail to disclose providing local content along with the metadata during the data provisioning time period.

In an analogous art, Amin teaches obtaining local content related to a particular area (col. 2, lines 53-60) and transmitting the local content to the personal devices of users in said particular area (col. 4, lines 29-50), providing the benefit of providing regionally relevant information to users.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method disclosed by Carney and Ferris to include also providing

local content to the second devices during the data provisioning time period, as taught by Amin, for the benefit of also providing additional information that is particularly relevant to users who are in the public space.

5. Claims 21 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carney and Ferris as applied to claims 16 and 49 above, and further in view of Cragun et al. (5,504,675) [Cragun].

Regarding claims 21 and 50, Carney and Ferris disclose the system and method of claims 16 and 49, but fail to disclose the transient state variable data relevant to the public space, which partly determines the selected media element, includes data associated with local weather conditions.

In an analogous art, Cragun teaches selecting advertisement data to show people within a public space based partly upon local weather conditions (col. 3, lines 19-41 and col. 4, lines 35-50), as local weather conditions is a variable factor which influences people in a public space and affects the effectiveness of displayed advertisements (col. 1 line 65 – col. 2 line 14).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Carney and Ferris to include data associated with local weather conditions in the transient state variable data, as taught by Cragun, for the benefit of more effectively selecting data for transmission to a given public space.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beadles et al. (5,648,789) who teaches displaying data transmitted via a local IR network to user devices which is related to media displayed upon a display device.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (703) 305-8660. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



**HAI TRAN**  
**PRIMARY EXAMINER**